

1550 CASE PLAN FEDERAL LAWS AND REGULATIONS

Chapter: **Case Management Standards for CP and JJS Field Services**

Section: **Case Management**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **15-46**

Effective Date: **September 2015**

Scheduled Review Date:

Approved:

A handwritten signature in cursive script, reading "Lorraine Bartlett".

Lorraine Bartlett, DCYF Director

Related Statute(s): [RSA 169-B](#), [RSA 169-C](#), [RSA 169-D](#), [RSA 170-C](#), [RSA 630](#), [RSA 631](#), [RSA 632-A](#), [RSA 639:2](#)

Related Admin Rule(s):

Related Federal Regulation(s): [SSA 471](#), [SSA 475](#), [SSA 475A](#), [42 U.S.C. 670](#), [42 U.S.C. 1302](#), [45 CFR Part 1356](#)

Related Form(s): **FORM 2240**

Bridges' Screen(s) and Attachment(s):

Purpose

This policy details the requirements for case plans based on federal laws and regulations.

Policy

- I. Federal Laws and regulations in the Social Security Act and the Code of Federal Regulations that impact case plans are:
 - A. SSA Title 42 U.S.C. 670 et seq.,
 - B. SSA Title 42 U.S.C. 1302,
 - C. SSA Sections 471(a); 475(1); 475(5)(A), (D), and (E); and 475A(b) of Title IV-E,
 - D. 45 CFR Part 1356 Requirements Applicable To Title IV-E, and
 - E. 45 CFR Part 1356.21 (g) Case Plan Requirements.
- II. The case plan is written document within the case record, which is developed jointly with the parent(s)/guardian(s) of a child/youth and the child/youth as developmentally appropriate.
 - A. Case plans must be developed and/or updated within a reasonable time frame.
 1. No later than 60 calendar days from the date of the initial placement for out-of-home cases.
 2. 30 calendar days from the assessment outcome for non-placement cases.
 3. 30 calendar days from the assignment of a non-court case to a family service CPSW.
 4. 30 calendar days from any changes in placement or emergencies affecting the child/youth.

- III. Services to prevent removal and reunify if a removal is necessary are documented in the case plan. These efforts are required for all children and youth placed in foster care.
 - A. According to Federal Statutes Section 471(a)(15)(A) of PL 96-272, a judicial determination must be made stating that [reasonable efforts](#) have been made to prevent or eliminate the need for removal of the child/youth from his or her home.
 - B. According to Section 471(a) (15) (B), reasonable efforts must also be made to make it possible for the child/youth to return to his or her home.
- IV. In planning for an initial placement or change in placement of a child/youth, the following factors must be considered:
 - A. Ensuring child/youth safety;
 - B. Close proximity to the parents and school;
 - C. Long range plan;
 - D. Placement in the least restrictive setting;
 - E. The child/youth's special needs;
 - F. Health and education status;
 - G. Maintaining the child/youth's educational stability and the appropriateness of the current educational setting;
 - H. Maintaining the child/youth's family and community connections; and
 - I. Reunification.
- V. The case plan is used to:
 - A. Document the reasonable efforts made through services offered and provided, to prevent removal of a child/youth from his or her family;
 - B. Document the appropriateness and necessity for out-of-home placement;
 - C. Identify the type of out-of-home placement, and the safety and appropriateness of the placement in matching the child/youth's best interest and special needs, including the placement's proximity and status as a least restrictive setting;
 - 1. Document reasons for placements when it is in the child/youth's best interest but not within close proximity or the least restrictive setting.
 - D. Identify in a time-limited and goal-oriented format: the concerns that need to be resolved; strengths, needs, and resources of the family; and proposed services for the parents, children/youth, and placement providers who have a relationship with DCYF;
 - E. Document the services provided to maintain the family as a unit and the appropriateness of the services;

- F. Document services provided to the child/youth and placement provider and the appropriateness of the services, to assure the child/youth receives safe and proper care to address the needs of the child/youth while in care.
 - G. Define the responsibilities and expectations of the parents, the child/youth, placement provider, and DCYF toward reaching the identified service goals;
 - H. Document the reasonable efforts made through services offered and provided to improve the conditions in the parents' home to facilitate reunification in a timely manner when a child/youth has been placed out of the home;
 - I. Record the permanent planning for the child/youth; and
 - J. Update and review that the needs of the child/youth and parents are being met.
- VI. The case plan needs to include the conditions parents will meet before the child/youth is returned home unless pursuant to SSA 475(5)E and/or RSA 170-C:5 the court or another court of competent jurisdiction has determined that the parent has:
- A. Abandoned the child/youth (RSA 170-C:5, I)
 - B. Knowingly or willfully caused or permitted the subjection of a child/youth to severe sexual, physical, emotional or mental abuse pursuant to RSA 170-C:5, V.
 - C. Committed murder as defined in RSA 630:1, 630:1-a, or 630:1-b of another child/youth of the parent;
 - D. Committed manslaughter as defined in RSA 630:2 of another child/youth of the parent;
 - E. Aided or abetted, attempted, conspired, or solicited to commit such a murder or such a manslaughter;
 - F. Committed first degree assault, as defined in RSA 631:1, second degree assault, as defined in RSA 631:2, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, or incest as defined in RSA 639:2 against that child/youth or another child/youth of the parent; or
 - G. Involuntarily terminated parental rights of that child/youth or another child/youth of the parent (45 CFR Part 1356.21).
- VII. Once the strengths and resources of the family have been identified, the CPSW/JPPPO then begins to facilitate the goal setting process, which is critical to the case plan.
- A. The case plan is used to record family goals. To meet federal requirements, the plan must include:
 - 1. A goal statement;
 - 2. Action or objective statements;
 - 3. A description of the actions to be taken to achieve the goals;

4. Services or supports to be provided:
 - (a) By whom - name of service provider;
 - (b) For whom - family member; and
 - (c) Frequency of services; and
 5. The timetable for goal achievement.
- B. The following guidelines must be followed when establishing goals with the family:
1. At least one goal must clearly address child/youth safety issues;
 2. Goals must be important to the family;
 3. Goals are to be described in interactional terms - e.g. family member to family member, family member to provider, family member to community member, family member to DCYF;
 4. Goals must be small, simple, and realistically achievable;
 5. The goal must be stated as the presence of, rather than the absence of something;
 6. The goal must be described as a beginning of a new behavior, not an end of an undesirable behavior;
 7. The goal must be stated in language the family clearly understands; and
 8. The goal must be time-limited.
- C. Objectives or Action Steps may be defined by the CPSW/JPPPO and the family to guide the family more fully in the goal achievement process. If these are used, they must:
1. Focus on the family member behaviors;
 2. Be concrete and specific; and
 3. Describe increments of change in small steps.
- VIII. The case plan must address each child/youth's educational needs and the tasks assigned to meet the needs.
- A. Each child/youth who is between the ages of 6 and 18 must be enrolled as a full-time student unless he/she has completed all secondary education or he/she is incapable of attending school on a full-time basis due to a medical condition documented by regularly updated information in the case plan.
 - B. All efforts to maintain a child/youth in their current/sending school at the time of an out-of-home placement or change in placement are to be documented, or

- C. If a child /youth cannot be maintained in their current/sending school, all efforts must be documented to have the child/youth immediately enrolled in the new/receiving school and have educational records immediately sent to the receiving school.
- IX. The case plan must document adult living preparation programs, services, tasks, and/or individual plans for youth in care over the age of 14, including but not limited to independent living skills and transitional planning.
- X. For youth age 12 and over, the Bill of Rights for Youth in Care (Form 1960) must be reviewed and the perforated acknowledgement must be attached to the case plan after the youth signs it.
 - A. SSA 475A(b) requires the case plan to include a signed acknowledgement that youth age 14 and over are provided a document with their rights to education, health, visitation, court participation, official documents upon exit from care (if exiting as an adult), and safety without exploitation.
 - B. The Bill of Rights for Youth in Care (Form 1960) must be provided to the youth and explained to the youth in an age appropriate way.
- XI. The case plan must be copied for and reviewed by the child/youth's parents or guardians, the foster parents or foster care provider, and the child/youth, as age appropriate. If the parents or guardian do not review and/or sign the case plan, this is to be noted in the plan.
- XII. At the time of placement, the CPSW/JPPPO must provide available health and education information concerning the child/youth, to the placement provider, including residential providers.
 - A. Health and education records must be reviewed and updated each time the child/youth's placement changes.
 - 1. The CPSW/JPPPO must provide updated medical information, if and when it is received.
 - B. Health records include but are not limited to provider contact information, immunization records, known medical conditions, and listed medications.
 - C. Educational records include but are not limited to school contact information, grade level performance, and school records.
- XIII. Assessing Progress Towards Goals:
 - A. Goals must be continually reviewed with the family for appropriateness and revised or modified as necessary. Progress towards all goals must be discussed with the family in court hearings, FAIR reviews, or CPSW/JPPPO visits.
 - B. When determining goal achievement, the CPSW/JPPPO needs to discuss with the family barriers, which may have impacted the family's ability to achieve their goals.
 - C. Discussion between the CPSW/JPPPO and the family regarding progress towards goals must be documented in the case plan.

- D. While working with the family, it may become clear that a goal is inappropriate or unachievable by the family or needs redefinition. Discuss this with the family and determine if a new goal needs to be developed.
- XIV. The case plan must document if there is a compelling reason why it would not be in the best interest of a child/youth to file for termination of parental rights if a child has been in out-of-home placement for 12 of the preceding 22 months.
- XV. Reasonable efforts to place a child/youth for adoption or with a legal guardian may be made by DCYF concurrently with the provision of services and other reasonable efforts to make it possible for a child/youth to safely return home.
- XVI. If a case plan goal is adoption or placement in another permanent home, the case plan must document child specific recruitment efforts to facilitate a permanent placement for the child/youth.
- XVII. Completion of the case plan:
 - A. The primary goal of planning is to maintain child/youth safety and is best accomplished while strengthening the family unit.
 - B. When the CPSW/JPPPO determines that the family has made progress towards its goals and the child/youth is safe, then the case may be considered for closure.
 - C. If the family is unable to maintain their child/youth's safety, then the CPSW/JPPPO must work with the family to develop and implement an alternative permanent plan for the child/youth.